

SENATE RECORD VOTE ANALYSIS

104th Congress
1st Session

Vote No. 81

February 28, 1995, 2:36 p.m.
Page S-3274 Temp. Record

BALANCED BUDGET AMENDMENT/TVA Off-Budget

SUBJECT: A Resolution Proposing a Balanced Budget Amendment to the Constitution of the United States . . . H.J. Res. 1. Dorgan motion to table the Feingold amendment No. 291.

ACTION: MOTION TO TABLE AGREED TO, 99-0

SYNOPSIS: Pertinent votes on this legislation include Nos. 62-63, 65-80, and 82-98.

As passed by the House, H.J. Res. 1, a resolution proposing a Balanced Budget Amendment to the Constitution, is virtually identical to the balanced budget constitutional amendment that was considered last year by the Senate (see 103d Congress, second session, vote Nos. 47-48). The resolution: will require a three-fifths majority vote of both Houses of Congress to deficit spend or to increase the public debt limit; will require the President's annual proposed budget submission to be in balance; and will require a majority of the whole number of each House to approve any bill to increase revenue. Congress will be allowed to waive these requirements for any fiscal year in which a declaration of war is in effect. Congress will enforce and implement this amendment by appropriate legislation. The amendment will take effect in fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later. The States will have 7 years to ratify the amendment.

The Feingold amendment would provide that "The receipts and outlays of the Tennessee Valley Authority shall not be counted as receipts or outlays for purposes of this article."

During debate, Senator Dorgan moved to table the Feingold motion. The time for a vote on or in relation to the Feingold motion had been scheduled by unanimous consent immediately prior to that motion. Some debate occurred both before and following the motion to table. No Senator spoke in favor of the amendment.

NOTE: After introducing and speaking on the amendment, Senator Feingold moved to table the amendment before any other Senator had the opportunity to speak. A sufficient second was not obtained, at which time Senator Feingold suggested the absence of a quorum, and objected to its being lifted. After discussions among Senators during the quorum call, debate time and a time for a vote on tabling the amendment were scheduled by unanimous consent, and then Senator Dorgan was recognized to move to table the amendment.

(See other side)

YEAS (99)				NAYS (0)		NOT VOTING (1)	
Republican (53 or 100%)		Democrats (46 or 100%)		Republicans (0 or 0%)	Democrats (0 or 0%)	Republicans (0)	Democrats (1)
Abraham	Hutchison	Akaka	Hollings				Kerry- ²
Ashcroft	Inhofe	Baucus	Inouye				
Bennett	Jeffords	Biden	Johnston				
Bond	Kassebaum	Bingaman	Kennedy				
Brown	Kempthorne	Boxer	Kerrey				
Burns	Kyl	Bradley	Kohl				
Chafee	Lott	Breaux	Lautenberg				
Coats	Lugar	Bryan	Leahy				
Cochran	Mack	Bumpers	Levin				
Cohen	McCain	Byrd	Lieberman				
Coverdell	McConnell	Campbell	Mikulski				
Craig	Murkowski	Conrad	Moseley-Braun				
D'Amato	Nickles	Daschle	Moynihan				
DeWine	Packwood	Dodd	Murray				
Dole	Pressler	Dorgan	Nunn				
Domenici	Roth	Exon	Pell				
Faircloth	Santorum	Feingold	Pryor				
Frist	Shelby	Feinstein	Reid				
Gorton	Simpson	Ford	Robb				
Gramm	Smith	Glenn	Rockefeller				
Grams	Snowe	Graham	Sarbanes				
Grassley	Specter	Harkin	Simon				
Gregg	Stevens	Heflin	Wellstone				
Hatch	Thomas						
Hatfield	Thompson						
Helms	Thurmond						
	Warner						

EXPLANATION OF ABSENCE:

1—Official Business
2—Necessarily Absent
3—Illness
4—Other

SYMBOLS:

AY—Announced Yea
AN—Announced Nay
PY—Paired Yea
PN—Paired Nay

No arguments were expressed in favor of the amendment.

Those opposing the amendment contended:

Argument 1:

The committee report for this resolution contains a special, pork-barrel exemption for the Tennessee Valley Authority (TVA). The report will exempt TVA outlays and receipts from the requirements of this proposed constitutional article. Social Security, Medicare, Medicaid, Veterans, Head Start, and every other program of the Federal budget will be covered. Only the TVA will be exempt. We understand why supporters of the TVA snuck this little bit of language into the report--virtually every proposed package of budget cuts in recent years has targeted wasteful TVA spending. If the balanced budget amendment passes, the TVA will face certain cuts without this report language.

Earlier, when we tried to strike this language (see vote No. 73), some Senators told us that they sympathized with our efforts but were not about to encourage more amendments by agreeing to strike it. Accordingly, we have offered the Feingold amendment, which would grant specific constitutional protection to the TVA. We encourage all Senators to vote to table this amendment, to help us establish the legislative history that the report language exemption is incorrect. To make it abundantly clear that the purpose of this vote is to express displeasure with the TVA exemption in the committee report, we have made certain that a Senator who opposes that language will be the one who moves to table. We therefore now encourage all Senators to join us in voting against the Feingold amendment, to show that they repudiate the TVA exemption.

Argument 2:

The Senator from Wisconsin has proven to be a bit less clever than he imagined himself to be. He knows that a majority of Senators are determined not to amend the language of this proposed constitutional amendment, so he proposed an amendment the language of which he thought many Senators would favor in principle but not as part of the Constitution, and would consequently vote against. Unfortunately for him, though, the language that he has proposed is not favored by any Senator. Whether through unartful drafting or ignorance, his amendment would not affect the committee report language in question.

The committee report mentions the TVA Electric Power Program, which is only one part of the TVA, as an example of a program that will not be covered by the balanced budget amendment. The reason this program and similar programs will not be covered is that all revenues and outlays of the program are totally independent of the Federal Government. Electric ratepayers bear all costs; even the bonds that are issued by this program are in no way guaranteed by the Federal Government. None of the funds into or out of this program are ever handled by the Federal Government, are ever under the control of the Federal Government, or create or imply a Federal Government obligation. In fact, the Federal Government's sole involvement in this particular program is that it loaned the money to start it. This debt, with interest, is being gradually repaid.

The TVA overall does receive some subsidies from the Federal Government. Those subsidies, of course, should and will be covered by the balanced budget amendment. No Senator believes that the TVA in its entirety should be exempt from coverage. The Feingold amendment states that it should be. Rather than limiting itself to proposing constitutional protection for just the electric power program, the Feingold amendment proposes protection for all TVA programs. That proposal is inconsistent with the committee report language, and it is at odds with the wishes of all Senators. Therefore, every Senator will happily vote to table it.

The Senator from Wisconsin, therefore, has utterly failed in his attempt to get a surrogate vote against the committee report language, because the language in his amendment is totally different than that report language. With that said, we feel that it is appropriate to comment on the tactics that the Senator has used. First he offered the amendment, then attempted to vote on tabling it before any other Senator had a chance to speak. His hope was to establish exclusive legislative language for the courts. This attempt, which thankfully failed, is abhorrent for two reasons. First, it indicates a desire to have the courts involved in interpreting the balanced budget amendment. The amendment itself gives Congress, not the courts, the duty of implementing and enforcing this article. Second, it is an unjust attempt to misrepresent the views of the Senate. The express intent of trying to shut off debate so as to have a legislative record for the courts that contains only the views of one Senator, when it is well understood that other Senators have different views, is unacceptable. That this attempt has failed makes it no less objectionable that it was tried.

In sum, the Feingold amendment does deserve tabling, but tabling it will have no bearing on the committee report language regarding the Electric Power Program of the TVA. Therefore, we support the motion to table.